

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

Plaintiff,

05 CV 4447 (SJ) (VVP)

- against -

**MEMORANDUM
AND ORDER**

BRENDA DAVIS, *also known as*
BRENDA RILEY,

Defendant.

-----X
A P P E A R A N C E S:

MICHAEL T. SUCHER, ESQ.
26 Court Street, Suite 2412
Brooklyn, NY 11242
By: Michael T. Sucher, Esq.
Attorney for Plaintiff

JOHNSON, Senior District Judge:

On September 20, 2005, Plaintiff filed this action against defendant Brenda Davis, a/k/a/ Brenda Riley ("Defendant") seeking damages in connection with Defendant's failure to make student loan payments. On May 18, 2006, this Court referred Plaintiff's motion for default judgment to Magistrate Judge Viktor V. Pohorelsky to report and recommend, pursuant to 28 U.S.C. § 636(b)(1)(B), whether the motion should be granted and, if necessary, appropriate relief. On July 18, 2007, Magistrate Pohorelsky issued a Report and Recommendation that the motion be granted and that Plaintiff be awarded (i) damages in the amount of \$3,643.97 for unpaid principal and prejudgment interest through July 18, 2007, plus

additional prejudgment interest at the rate of \$0.31 per day from July 18, 2007 through the date of judgment, (ii) costs in the amount of \$297.00, (iii) attorneys' fees in the amount of \$750.00, and (iv) postjudgment interest accruing at the statutory rates.

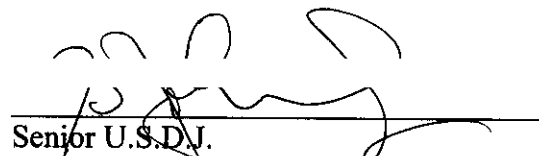
A district court judge may designate a magistrate to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sect'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir.1989).

In this case, no objections to the Report and Recommendation have been filed despite expiration of the deadline for filing. Upon review of the Report and Recommendation, this Court adopts and affirms Magistrate Pohorelsky's recommendations. Plaintiff's default judgment motion is hereby GRANTED and

Plaintiff is awarded damages in the sum of \$4,697.48. The Clerk of the Court is directed to enter judgment for Plaintiff in this amount.

SO ORDERED.

Dated: August 8, 2007
Brooklyn, NY


Senior U.S.D.J.